

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID PIERRE-JONES,
Plaintiff,

v.

JEREMY DEFRANCO,
Defendant.

Case No. 1:24-cv-00904-CDB (PC)

**ORDER REQUIRING DEFENDANT
JEREMY DEFRANCO TO SHOW CAUSE
WITHIN TWENTY-ONE DAYS WHY
DEFAULT SHOULD NOT BE ENTERED**

(Doc. 8)

TWENTY-ONE (21) DAY DEADLINE

**ORDER DIRECTING CLERK'S OFFICE
TO SERVE COURTESY COPY**

Plaintiff David Pierre-Jones ("Plaintiff") is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. (Doc. 1). Plaintiff filed the instant asserting claims against Defendant Jeremy Defranco ("Defendant") while Plaintiff was incarcerated in Salinas Valley State Prison. *Id.*

On August 9, 2024, the Court found service of the complaint appropriate, via the Court's e-service pilot program as to Defendant. (Doc. 5). On August 15, 2024, the California Department of Corrections and Rehabilitation filed its Notice of E-Service Waiver, indicating personal service would not be waived on Defendant's behalf. (Doc. 7). Therefore, in accordance with the Court's service order issued August 9, 2024, personal service was to be effected by the

United States Marshal.

On August 27, 2024, the United States Marshal filed its USM-285 form indicating that “Sonia Banda, Timekeeping Manager” at Management Solutions, LLC, in Long Beach, California, accepted service of the summons and complaint on behalf of Defendant on August 26, 2024. (Doc. 8). The summons provides that Defendant is “required to serve...an answer to the complaint which is served on you with this summons, within 21 days after service of this summons on you, exclusive of the day of service.” (Doc. 6); Fed. R. Civ. P. 12(a)(1)(A)(i).

More than 21 days have passed since the summons and complaint were served on Defendant Jeremy Defranco but Defendant has not filed an answer to the complaint.

Accordingly, IT IS HEREBY ORDERED that:

1. Within twenty-one (21) days from the date of service of this order, Defendant Jeremy Defranco shall show cause why default should not be entered against him;
2. To facilitate the ability to comply with this order, Defendant Jeremy Defranco’s obligation to respond to the complaint is extended twenty-one (21) days from the date of service of this order; and
3. The Clerk’s Office shall serve a courtesy copy of this order on Defendant Jeremy Defranco at the address listed in the USM-285 form filed on August 27, 2024 (Doc. 8).

IT IS SO ORDERED.

Dated: **October 3, 2024**


UNITED STATES MAGISTRATE JUDGE